

Message Text

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73-63

ORIGIN SS-25

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FM SECSTATE WASHDC

TO AMEMBASSY SAN JOSE PRIORITY

AMCONSUL NASSAU

C O N F I D E N T I A L STATE 119560

EXDIS

E. O. 11652, GDS

TAGS: PGOV, PFOR, CS

SUBJECT: EXTRADITION - ROBERT VESCO

REFS: A. SAN JOSE 2195

B. SAN JOSE 2184

C. SAN JOSE 2190

1. DEPT' S COMMENTS TO ODIO' S DRAFT CONTAINED PARA 6
REFTEL A ARE AS FOLLOWS:

A. IN FIRST DRAFT PARA, DEPT DOES NOT UNDERSTAND
CLEARLY FOLLOWING PART OF SECOND SENTENCE:
QTE AND THUS TO AVOID RENDERING THE ENTIRE
PROCESS OF EXTRADITION ILLUSORY UNQTE. DEPT
CAN THINK OF SEVERAL WAYS TO INTERPRET THIS
PHRASE, MOST MEANINGFUL OF WHICH IS THAT
PROVISIONAL DETENTION ASSURES THE COURT OF
PHYSICAL DETENTION OF THE FUGITIVE AND THUS
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THE EXTRADITION PROCESS WILL BE CARRIED
FORWARD WITH THE ASSURANCE THAT THE FUGITIVE
IS INDEED WITHIN THE JURISDICTION OF THE
COURT. IF THIS IS WHAT ODIO MEANS BY THE
PHRASE, WE PREFER TO SEE THE PASSAGE REPHRASED
AS SUGGESTED BY OUR LANGUAGE.

B. IN THIRD DRAFT PARA, AS PREVIOUSLY REPORTED
BECAUSE OF 18 USC 3184 A FUGITIVE IN UNITED
STATES HAS TO BE PHYSICALLY WITHIN JURISDICTION
OF THE COURT OR COURT HAS TO HAVE STRONG BELIEF
AS TO HIS PHYSICAL LOCATION WITHIN ITS JURIS-
DICTION BEFORE A COURT WILL ORDER PROVISIONAL
ARREST. THUS THIRD PARA AS WRITTEN, STRESSING
RECIPROCITY BASED ONLY ON SWORN DECLARATION,
IS NOT CORRECT. SINCE U. S. COULD NOT OFFER
RECIPROCITY IN THIS INSTANCE, SINCE VESCO
IS NOT PRESENTLY IN COSTA RICA, DEPT SUGGESTS
DELETION OF THIRD QUOTED PARA.

2. REFTELS B AND C BOTH CONCERN DOCUMENTATION. ALL
DOCUMENTATION MENTIONED REFTEL B IS SUPPLIED IN ALL
EXTRADITION CASES AS NORMAL PRACTICE BY JUSTICE DEPART-
MENT. DEPT ALWAYS HAS LANGUAGE SERVICES TRANSLATE
DOCUMENTS. RE REFTEL C, DEPT WILL COORDINATE WITH
JUSTICE TO SUPPLY THESE DOCUMENTS. ROGERS

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*** Current Handling Restrictions *** EXDIS

*** Current Classification *** CONFIDENTIAL

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